PART II—Section 2.

NOTIFICATIONS BY GOVERNMENT.

CHIEF SECRETARIAT.

No. P. 3308 (2)—*Mily.* 103-23-3, *dated* 22*nd December* 1923.

The following letter No. A. 18849-1 (A. G. 8) dated 5th October 1923 of the Government of India regarding the Policy and Procedure in regard to the forfeiture of military pensions and other military awards, is published for general information :—

By Order,
K. MATTHAN,
Chief Secretary to Government.

Special and Miscellaneous.

No. A.-18849-1 (A. G. 8).

GOVERNMENT OF INDIA.

ARMY DEPARTMENT.

Simla, the 5th October 1923.

To

ALL LOCAL GOVERNMENTS AND ADMINISTRATIONS.

Policy and procedure in regard to the forfeiture of military pensions and other military awards.

SIR,

It has been represented to the Government of India that it is desirable that they should reaffirm, and in certain respects amplify, the orders which have been issued from time to time in regard to the continuance or forfeiture of pensions, rewards, etc., earned by military service, the holders of which become involved in some form of seditious agitation or disloyalty towards Government. The Government of India understand that there is a feeling among serving soldiers in particular that the intentions of Government in regard to this matter should be made clear and should be consistently carried out; and the Governor-General in Council is accordingly pleased to issue the following instructions on the subject :—

2. The liability to forfeit pension may be incurred without a pensioner having been actually convicted by a criminal court of an offence connoting disaffection or disloyalty towards Government: in other cases the liability arises directly from such conviction. In order to determine the practice and procedure which should be followed, it is necessary to deal with these two classes of cases separately, and it is also necessary to make it clear that there must be a difference of treatment in regard to (*i*) pensions, *jangi inams*, and other forms of recurring money payments, and (*ii*) grants of land given as rewards for military service.

3. *Cases in which the liability to forfeit pension is incurred without the pensioner having been actually convicted of an offence connoting disaffection or disloyalty towards Government.*—Adequate instructions for dealing with this category of cases already exist, *vide* the Government of India, Army Department, letter No. A.-9340-1 (A. G. 8) dated the 16th March 1922, to the Government of the Punjab, a copy of which is attached for facility of reference. The Government of India desire, however, to emphasize that these instructions are intended to be acted upon, and that it is particularly desirable in present circumstances that adequate use should be made of them. It will be observed that under these instructions action has to be initiated by the civil authorities; and the civil authorities may feel less reluctance in taking action if they realize that it is not the intention that a pension withdrawn under these orders should in all cases be permanently forfeited. The Government of India hereby grant authority to District Commanders to restore the pension from such date as is considered suitable in cases where the Local Government and the District Commander are satisfied, on a guarantee of future good behaviour having been given, that this ought to be done.

4. *Cases in which the liability to forfeit pension arises out of the pensioner having been convicted of some offence connoting disaffection or disloyalty towards Government.*—In these

cases the military pensioner will automatically forfeit his pension from the date of his arrest, and the forfeiture of pension will continue during the period of imprisonment and thereafter, unless and until orders specifically directing the restoration of the pension are obtained. It will rest with the pensioner, if he desires to have his pension restored, to make an application to the civil authorities, and if the Local Government, on a consideration of all the circumstances of the case, consider that leniency would be justified and make a recommendation to that effect, the District Commander, on receipt of the recommendation and a written assurance from the pensioner of future loyalty and good behaviour, may in his discretion direct the restoration of the pension from such date as he may determine, but in no case from a date prior to the pensioner's release from prison.

5. The orders contained in the two preceding paragraphs will apply to every form of military pension, except family pensions and will extend also to assignments of land revenue and cash *jagirs* granted as rewards for military service.

6. *Cases in which the reward to be forfeited is a grant of land, held subject to a condition of loyalty.*—Instructions on this subject also have already been issued, *vide* the Government of India, Revenue and Agriculture Department, Circular letter No. 254-C., dated the 22nd February 1918, addressed to all Local Governments (copy attached). The further practice and procedure laid down in paragraphs 3 and 4 of this letter will, with one important exception, apply generally to these cases also. The exception to be made arises out of the fact that it is hardly practicable to prescribe absolutely that a grant of land shall be automatically forfeited upon arrest or conviction. In cases where a land grant is affected, therefore, and the grant, under the terms on which it is held, is liable to forfeiture, the following shall be the procedure:—

(*a*) Action will be initiated by the civil authorities.

(*b*) It will be appropriate in certain cases, before penal action is taken, to give the grantee a severe warning and on opportunity to mend his ways. But the Local Government acting in consultation with the District Commander will be at liberty to resume without warning in such cases as they think merit the extreme penalty.

(*c*) The concurrence of the District Commander should be obtained in all cases before the grant is withdrawn.

(*d*) As in the case of pensions, and on the same terms and conditions it will be open to the Local Government, in consultation with the District Commander, to restore the grant in cases where it has been forfeited temporarily.

The Government of India desire in the case of land grants also, which are liable to forfeiture, that full use should be made of the powers conferred, now and at all times. It would be intolerable from every point of view, and particularly in the regard of loyal serving soldiers and loyal military pensioners that individuals who hold gifts of land, on the condition of loyal behaviour and active support of Government, should continue to enjoy those gifts when they have obviously ceased to honour the condition in the letter or in the spirit.

7. I am to request that, with the permission of His Excellency the Governor in Council etc., the widest publicity may be given to these instructions: the Government of India themselves will take steps to ensure that they are made known to serving soldiers through the medium of the *Fauji Akhbar* and other channels.

I am,

SIR,

Your most obedient servant,

E. BURDON,

Secretary to the Government of India

No. A.-18849-2 (A. G. 8).

Copy of the above forwarded to:—

The Home Department.

The Foreign and Political Department.

The Department of Education, Health and Lands.

Copy also forwarded to the undermentioned with the intimation that these instructions will relate only to forfeiture of pensions on political grounds. In other cases paragraph 1029, Army Regulations, India, Volume I, will apply without special instructions:—

The Financial Adviser, Military Finance, for communication to the Military Accountant-General and all Controllers of Military Accounts.

The Chief of the General Staff.

The Adjutant-General of India.

E. A. DANIEL,

Assistant Secretary to the Government of India.